

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-21980 - APPLICANT: WINGATE MARKETING GROUP
- OWNER: DAVID WILLDEN**

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/ld, bg, sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-21979) and Site Development Plan Review (SDR-21982) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a zero side yard setback on the east portion of the site where a 10 foot side yard setback is required for a proposed Car Wash, Full Service or Auto Detailing on 0.76 acres on the south side of West Sahara Avenue.

Proposed for the site is a 1,948 square foot building with an attached uncovered wash tunnel. As stated by the applicant in order to provide the required stacking aisle for automobiles the project was sited on the east property line in a north-south direction. The applicant is attempting to overbuild this site, the deviation is considered a self-imposed hardship, and denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
01/21/2004	The City Council approved a request for a Special Use Permit (SUP-3114) for an off-premise advertising (billboard) sign located at 4545 West Sahara Avenue.
04/19/2006	The City Council denied a required Two-Year Review (RQR-11399) of an approved Special Use Permit (SUP-3114) for a 40-foot tall, 14-foot x 48-foot off-premise advertising (billboard) sign at 4545 West Sahara Avenue
07/12/07	The Planning Commission recommended approval of companion items SUP-21979 and SDR-21982 concurrently with this application. The Planning Commission voted 4-3./ld, bg, sd to recommend APPROVAL (PC Agenda Item #41/lhm).
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
<i>Pre-Application Meeting</i>	
03/13/2007	Discussed requirements, entitlements needed and constraints for a car wash on two narrow lots and mapping of the lots to remove the parcel lines.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting was not required nor was one held

Field Check	
05/21/2007	Undeveloped narrow lot between offices and shopping center. Residential abutts back of parcels. Billboard sign located on north west corner of lot.

Details of Application Request	
Site Area	
Net Acres	0.76

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC(Service Commercial)	C-1 (Limited Commercial)
North	Sahara Ave / Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
South	Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)
West	Commercial	SC(Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A		Y or N
Min. Lot Width	100 Feet	104 Feet	Y or N
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 10 Feet 15 Feet 20 Feet	143 Feet East 0' West 50' N/A 90 Feet	Y N Y N/A Y
Max. Lot Coverage	50%	5.8%	Y
Max. Building Height	N/A	20	Y
Trash Enclosure	50 feet from residential	85 Feet	Y

Pursuant to Title 19.12

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	3	5	N
Buffer: Min. Trees	1 Tree / 30 Linear Feet	1 Tree / 10 Linear Feet	30	Y
TOTAL				N
Min. Zone Width	15 Feet – ROW 8 Feet – Interior Lot Lines		15-ROW 8 Feet on South Lot Line	N (no LS on east or west side of building)
Wall Height	N/A		Existing	

ANALYSIS

This site is currently undeveloped. A Car Wash, Full Service or Auto Detailing is proposed for the site, consisting of a 1,948 square-foot building and 1,800 square foot attached uncovered wash tunnel. Access to the site is via a Sahara Avenue. Because of the width of the parcel is narrow at 104 feet the applicant has requested this Variance (VAR-19353) to allow a zero side yard setback where ten feet is required. According to the applicant the only way to make the project fit onto the lot was to site the building on the east property line in a north-south direction in order to provide the stacking space for automobiles. A roofless wash tunnel will be built to the east side property line. This is considered a self-imposed hardship and denial of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by overbuilding the site. Alternative design with less square-footage would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

ASSEMBLY DISTRICT

42

SENATE DISTRICT

11

NOTICES MAILED

134 by City Clerk

APPROVALS

0

PROTESTS

1

